



# California Regional Water Resources Control Board

## Central Coast Region



Linda S. Adams,  
Agency Secretary

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place – Suite 101, San Luis Obispo, CA 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger  
Governor

September 16, 2010

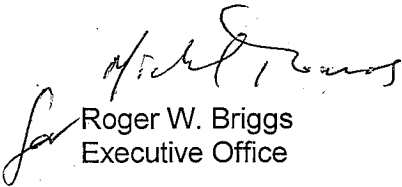
To: Interested Persons

### GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION - ORDER NO. R3-2010- 0041

At its public meeting on September 2, 2010, the Central Coast Regional Water Quality Control Board adopted *General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region - Order No. R3-2010-0041*. Attached are signed copies of the adopted order and monitoring and reporting program.

If you have comments or questions, please contact **Michael Higgins at (805) 542-4649 or [mhiggins@waterboards.ca.gov](mailto:mhiggins@waterboards.ca.gov)** or Lisa McCann at (805) 549-3132.

Sincerely,



Roger W. Briggs  
Executive Office

Attachments:

Waste Discharge Requirements Order No. R3-2010-0041  
Monitoring and Reporting Program No. R3-2010-0041

S:\NPS\Timber\_Harvest\Board Meetings\2010\R3-2010-0041\Cover letter for final WDR.doc

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**ORDER NO. R3-2010-0041**

**GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS  
FOR  
TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereinafter Regional Board or Central Coast Water Board), finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Board a report of waste discharge (ROWD) containing such information and data as may be required by the Regional Board.
2. The Central Coast Water Board prescribes waste discharge requirements except where the Central Coast Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is in the public interest pursuant to CWC (Sections 13267 and 13269).
3. CWC Section 13267 states:
  - (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.
  - (b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
4. CWC Section 13269(a) states:
  - (1) On and after January 1, 2000, the provisions of subdivisions (a) and (c) of Section 13260, subdivision (a) of Section 13263, or subdivision (a) of Section 13264 may be waived by the state board or a regional board as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. The state board or a regional board shall give notice of any necessary meeting by publication pursuant to Section 11125 of the Government Code.

(2) A waiver may not exceed five years in duration, but may be renewed by the state board or a regional board. The waiver shall be conditional and may be terminated at any time by the state board or a regional board. The conditions of the waiver shall include, but need not be limited to, the performance of individual, group, or watershed-based, monitoring, except as provided in paragraph (3) below. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the regional board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors. Monitoring results shall be made available to the public.

(3) The state board or a regional board may waive the monitoring requirements described in this subdivision for discharges that it determines do not pose a significant threat to water quality.

5. The Central Coast Water Board, in compliance with CWC Section 13269, reviewed the previously issued categorical waiver for timber harvest activities (Central Coast Water Board Resolution No. 89-04, Water Quality Control Plan (Basin Plan) Appendix A-23) and determined that it should not be renewed.
6. In accordance with CWC Section 13269, the Central Coast Water Board shall regulate discharge of waste associated with timber harvest activities through the requirements of this general conditional waiver, or, for timber operations that are not eligible for this waiver, through individual waste discharge requirements or individual conditional waivers.
7. The Central Coast Water Board has adopted the Basin Plan for the Central Coast Region that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Central Coast Region.
8. Pursuant to the Basin Plan and State Board Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:
  - a. Agricultural Supply (AGR)
  - b. Aquaculture (AQUA)
  - c. Preservation of Biological Habitats of Special Significance (BIOL)
  - d. Cold Freshwater Habitat (COLD)
  - e. Commercial and Sportfishing (COMM)
  - f. Estuarine Habitat (EST)
  - g. Freshwater Replenishment (FRSH)
  - h. Ground Water Recharge (GWR)
  - i. Industrial Service Supply (IND)
  - j. Migration of Aquatic Organisms (MIGR)
  - k. Municipal and Domestic Supply (MUN)
  - l. Navigation (NAV)
  - m. Hydropower Generation (POW)
  - n. Industrial Process Supply (PRO)
  - o. Rare, Threatened, or Endangered Species (RARE)

- p. Water Contact Recreation (REC-1)
  - q. Non-contact Water Recreation (REC-2)
  - r. Shellfish Harvesting (SHELL)
  - s. Spawning, Reproduction, and Development (SPWN)
  - t. Warm Freshwater Habitat (WARM)
  - u. Wildlife Habitat (WILD)
  - v. Inland Saline Water Habitat (SAL)
9. The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. The factors in CWC Section 13241, including economic considerations, were considered as required by law during the development of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed in the above paragraph.
10. The California Department of Forestry and Fire Protection (CDF) and the California Board of Forestry (BOF) regulate timber harvest activities on nonfederal lands in accordance with the Z'berg-Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.) and the California Forest Practice Rules (Title 14, California Code of Regulations, Section 895 et seq.). CDF is the state agency with primary jurisdiction over timber activities. The Central Coast Water Board cannot issue permits to allow timber harvesting, but only regulates water quality impacts of harvesting operations that have received a permit from CDF. CDF issues such permits by approving timber harvest plans or non-industrial timber management plans. The Central Coast Water Board does not have legal authority to require an alternative project.
11. In 1988, the State Water Board:
- (a) Conditionally certified the "Water Quality Management Plan for Timber Operations on Nonfederal Lands" which included those California Forest Practice Rules selected as best management practices and the process by which those rules are administered,
  - (b) Designated CDF and the BOF as joint Water Quality Management Agencies (WQMA) and,
  - (c) Executed a Management Agency Agreement with CDF and BOF for the purpose of implementing the certified plan and WQMA designations
12. The Management Agency Agreement between the State Water Board and CDF/BOF required a formal review of the California Forest Practice Rules and administering processes no later than six years from the date of certification. To date, the State Water Board and CDF/BOF have not completed that review.
13. The USEPA has not approved the State Water Board's certification of the California Forest Practice Rules and administering processes for regulation of timber harvest activities on nonfederal lands in California.
14. The Central Coast Water Board, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) (CEQA), has conducted an Initial Study in accordance with Title 14, California Code of Regulations, Section 15063.
15. The Secretary of the Resources Agency has certified that the CDF's timber harvest plan regulatory program can function as a substitute for an Environmental Impact Report or a

negative declaration (CEQA Guidelines § 15251.) Registered Professional Foresters submit either a Timber Harvest Plan (THP) or Non-Industrial Timber Management Plan (NTMP) and only CDF has the authority to grant discretionary approval for projects. CDF considers all the significant environmental effects of the project and makes a finding under CEQA Guidelines section 15091 for each significant effect. If CDF finds that the timber operations will not have a significant effect on the environment, a THP or NTMP serves as a substitute negative declaration. If CDF finds that the timber operations may have a significant effect on the environment, the THP or NTMP serves as a substitute environmental impact report, and includes mitigation of potential impacts. CDF consults with the Central Coast Water Board a THP or NTMP is developed. This waiver requires each enrolled Discharger to comply with all requirements of the respective THP or NTMP.

16. Relevant factors in determining whether a project covered by a general conditional waiver is in the public interest include the following:

- Whether the discharge is already regulated by another governmental entity;
- Whether the discharger will observe reasonable practices to minimize the deleterious effects of the discharge;
- Whether a feasible treatment method exists to control the pollutants in the discharge;
- Whether a resource agency (California Department of Fish and Game, County of San Mateo, Santa Cruz, Santa Clara, Monterey, San Benito, San Luis Obispo, Santa Barbara, or Ventura) has filed a water quality related non-concurrence with CDF regarding the proposed harvest and that non-concurrence has not been resolved; and
- Whether conditionally waiving ROWDs and/or waste discharge requirements will adequately protect beneficial uses while allowing the Central Coast Water Board to utilize more of its scarce resources to conduct field oversight, public outreach and, where necessary, enforcement.

17. The timber harvest plan regulatory program is regulated by the California Department of Forestry, and requires the Discharger to implement practices to control water quality impacts, including erosion and sedimentation. Local ordinances also require various controls. The conditions of this Order protect beneficial uses by:

- (i) Prohibiting pollution, contamination or nuisance;
- (ii) Requiring monitoring and compliance with applicable water quality control plans;
- (iii) Requiring the Discharger to grant access to Central Coast Water Board staff to perform inspections; and
- (iv) Requiring approval of the THP or NTMP by the California Department of Forestry and Fire Protection.

18. The Central Coast Water Board finds that the adoption of the "General Conditional Waiver of Waste Discharge Requirements - Timber Harvest Activities" will not have a significant impact on the environment and will be in the public interest provided that dischargers:

- (a) Comply with the conditions of this Order; and
- (b) File with the Central Coast Water Board the applicable eligibility documents as described herein, to demonstrate that compliance with the waiver conditions will be achieved; and

- (c) Comply with applicable State Water Board and Central Coast Water Board plans and policies and as those plans and policies may be amended from time to time through the amendment process;
19. Pursuant to CWC Section 13269, this action waiving the issuance of waste discharge requirements for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Central Coast Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
  20. A waiver of waste discharge requirements for a type of discharge may be superseded by the adoption by the State Water Board or Central Coast Water Board of specific waste discharge requirements or general waste discharge requirements for that type of discharge.
  21. Management practices are the most feasible treatment method to control the discharges. If a proposed timber harvest is conducted in the manner prescribed in the THP or NTMP and the conditions of this Order, a waiver of waste discharge requirements is in the public interest and is consistent with applicable water quality control plans, including the Water Quality Control Plan, Central Coast Region.
  22. The winter period for the Central Coast Region shall be October 15 through April 15.
  23. The rain year for the Central Coast Region shall be July 1 through June 30.
  24. The results from the Eligibility Criteria for a specific THP or NTMP will function as a minimum level for establishing monitoring requirements for that THP or NTMP.
  25. Tier III monitoring is required if ground based equipment is used off of an all weather road during the period October 15 to May 1.
  26. The Central Coast Water Board has adopted a Negative Declaration in accordance with CEQA and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.). The Negative Declaration concludes that the waiver of waste discharge requirements for specific types of timber harvest operations pursuant to this Order will not have a significant impact on the environment.
  27. Copies of the proposed Order and monitoring and reporting plan were transmitted to all agencies and persons known to be interested in this matter according to the applicable provisions of CEQA.
  28. The Central Coast Water Board conducted a public hearing on September 2, 2010 in San Luis Obispo, California, and considered all testimony and evidence concerning this matter;

**THEREFORE IT IS HEREBY ORDERED:**

1. In accordance with CWC Section 13269, the waste discharges related to timber harvest activities in the Central Coast Region, that are not subject to individual conditional waivers or waste discharge requirements, shall be regulated by general conditional timber harvest

waiver requirements, and waste discharge requirements and the requirement to submit a report of waste discharge are hereby waived subject to the following conditions:

- a. "Discharger" means the landowner and anyone working on behalf of the landowner in the conduct of timber harvest activities.
- b. The Discharger shall submit a Notice of Intent (NOI) on the attached form (Attachment A) or on such other form that the Executive Officer requires. This waiver shall not take effect as to a particular timber operation until the Executive Officer approves the NOI in writing.
- c. The Discharger shall comply with all requirements of applicable water quality control plans (examples shown in Attachment B) as these may be modified from time to time pursuant to amendments to water quality control plans adopted by the Central Coast Water Board and approved by the State Water Resources Control Board (State Water Board) and water quality control plans and policies adopted by the State Water Board.
- d. The Discharger shall obtain CDF approval of a THP and/or NTMP for the timber harvest activities before enrollment in this waiver takes effect. The Discharger shall conduct timber harvest activities in accordance with the approved THP or NTMP and with all applicable sections for the Forest Practice Rules.
- e. Discharger shall notify the Water Board concurrently when submitting a request to CDF for a minor or major amendment.
- f. The Discharger shall obtain and comply with all local, state and federal permits required by law. The Discharger shall comply with all applicable county ordinances related to timber operations, including zoning ordinances.
- g. The Discharger shall not create a condition of pollution, contamination, or nuisance, as defined by CWC Section 13050.
- h. The Discharger shall not discharge any waste not specifically regulated by this Order, except in compliance with CWC Section 13264. Waste specifically regulated by this Order includes: earthen materials including soil, silt, sand, clay, rock; organic materials such as slash, sawdust, or bark. Examples of waste not specifically regulated by this Order include petroleum products, hazardous materials, or human wastes.
- i. The Discharger shall not cause alteration in stream temperature that exceeds Basin Plan requirements.
- j. The Discharger shall allow Central Coast Water Board staff reasonable access, in accordance with Public Resources Code section 4604(b) and California Water Code section 13267, onto the affected property for the purpose of performing inspections to determine compliance with the conditional waiver requirements.
- k. Pursuant to California Water Code Section 13267, the discharger shall comply with Monitoring and Reporting Program No. R3-2005-0041. The Central Coast Water Board needs this information to verify that a general conditional waiver of waste discharge requirements is the appropriate regulatory tool for Timber Harvest activities in San Mateo, Santa Cruz, Santa Clara, Monterey, San Benito, San Luis Obispo, Santa

Barbara, and Ventura counties. Evidence that supports the need for this information was presented at the July 8, 2005 meeting of the Central Coast Water Board, the staff report for Item 26 at that meeting, and Monitoring and Reporting Plan No. R3-2005-0066.

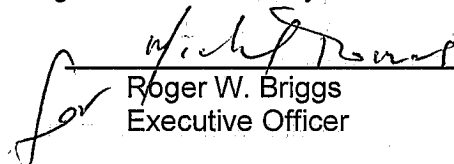
- i. This Order does not regulate point-source discharges that require an NPDES permit under the Clean Water Act, including but not limited to silvicultural point-source discharges as defined in 40 CFR Chapter 1 Part 122.27.
  - m. The Discharger shall take immediate action to repair failed crossings, culverts, roads and other sources of sediment.
  - n. All erosion and sediment control devices, management measures and mitigations prescribed in a THP or NTMP shall be maintained in good working order for the term of the general waiver requirements.
  - o. The Discharger shall comply with all requirements of the Executive Officer pursuant to MRP R3-2010-0041.
2. The Central Coast Water Board, based on the above-noted facts and findings, determines that it is not necessary at this time to adopt individual or general waste discharge requirements for waste discharges related to timber harvest activities that meet the conditions specified in this waiver and which are conducted in accordance with the requirements specified in this waiver.
3. This Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.
4. The Executive Officer shall not approve the NOI or shall terminate the applicability of a waiver to specific timber harvest activities (as applicable) if the Executive Officer makes any of the following determinations:
  - a. The timber harvest activity is not in compliance with any applicable condition of this waiver.
  - b. The timber harvest activity has varied in whole or in any part from the approved THP or NTMP, unless these changes result in better protection of water quality.
  - c. The timber harvest activity is likely to adversely affect the quality or beneficial uses of waters of the State. In making this determination, the Executive Officer shall consider, at a minimum, the THP or NTMP, information from the pre-harvest inspection or other site inspections, the Notice of Intent, the Eligibility Criteria (Exhibit 1 to MRP R3-2005-0066), and all available monitoring reports.



September 2, 2010

5. Upon receipt of notice of termination of applicability of the waiver, the discharger shall immediately cease all timber harvest activities that may result in discharges to waters of the State, other than activities necessary to control erosion. Upon notice of termination, the discharger must file a report of waste discharge and applicable filing fee. Timber harvest activities that may result in discharges that could affect the quality of waters of the State may commence only upon enrollment by the Executive Officer under general waste discharge requirements, the adoption by the Central Coast Water Board of an individual waiver of waste discharge requirements or individual waste discharge requirements, or in accordance with CWC Section 13264(a).
6. This general conditional waiver shall become effective on September 2, 2010, and shall expire on February 2, 2012, unless terminated or renewed by the Central Coast Water Board. The Central Coast Water Board may terminate this waiver at any time, either as to a particular timber harvest or in its entirety.
7. As provided by CWC Section 13350(a), any person who, in violation of any waiver condition, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, is subject to administrative or civil liability for the violation.
8. Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Coast Region, on September 2, 2010.

  
\_\_\_\_\_  
for Roger W. Briggs  
Executive Officer

**MONITORING AND REPORTING PROGRAM  
ORDER NO. R3-2010-0041**

**GENERAL CONDITIONAL WAIVER OF  
WASTE DISCHARGE REQUIREMENTS –  
TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION**

**TIERS I - III MONITORING FOR  
TIMBER HARVEST AND NONINDUSTRIAL TIMBER MANAGEMENT PLANS**

**September 2, 2010**

This Monitoring and Reporting Program (MRP) applies to Timber Harvest Plan (THP) or Nonindustrial Timber Management Plan (NTMP) in Tiers I - III enrolled under the *General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region* (Timber Order). The monitoring tier for the THP or NTMP is based on the Eligibility Criteria, accessible at

[http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/timber\\_harvest/docs/eligibility\\_criteria.xls](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/timber_harvest/docs/eligibility_criteria.xls)

This Monitoring and Reporting Program Order No. R3-2010-0041 (MRP) is issued pursuant to Water Code sections 13267 and 13269. Compliance with the MRP is necessary to assure compliance with the Timber Order and to assure protection of water quality and beneficial uses within the Central Coast Region. This MRP applies to persons enrolled in the Timber Order because those persons are implementing timber harvest plans that could adversely affect water quality. Failure to comply with this MRP may subject the Discharger<sup>1</sup> to monetary civil liability in accordance with Water Code sections 13268 and 13350. Monitoring shall begin at the onset of timber harvest operations and must comply with this MRP and any subsequent revisions. Monitoring shall continue until the Discharger submits a complete Notice of Termination the end of the fifth year after timber harvest activities are complete, unless the Executive Officer extends or otherwise revises the MRP with respect to the individual Discharger.

The Executive Officer may impose additional monitoring requirements based on a site-specific timber harvest plan based on site specific conditions.

**MONITORING LOCATIONS FOR TIERS I - III MONITORING**

The Discharger is required to perform monitoring at the locations described in the following specifications:

- Section I – Implementation and Effectiveness Monitoring and Monitoring Frequency;
- Section II – Data Logging and Reporting; and
- Section III – Standard Provisions.

**VISUAL MONITORING POINTS**

The Discharger is required to conduct visual monitoring for all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all

---

<sup>1</sup> Throughout this document "Discharger" means the landowner and anyone working on behalf of the landowner in the conduct of timber harvest activities including monitoring.

mitigation sites in the THP or NTMP area (as documented the California Department of Forestry and Fire Protection (CalFire) approved THP or NTMP).

**CALFIRE FOREST PRACTICE RULES COMPLIANCE MONITORING:** The Discharger is responsible for and is required to ensure timber harvest activities are conducted in accordance with the approved THP or NTMP and with all applicable sections of the Forest Practice Rules. This includes allowing site access for compliance inspections by Cal Fire and Central Coast Regional Water Quality Control Board (Water Board) pursuant to 40 CFR Article 8, Section 4604.

**FORENSIC MONITORING:** The Discharger is required to conduct forensic monitoring as described in Section I below.

## **SECTION I – IMPLEMENTATION AND EFFECTIVENESS MONITORING AND MONITORING FREQUENCY**

### **A) VISUAL MONITORING**

- 1) **VISUAL MONITORING POINTS** Visual monitoring points must include all existing and newly constructed infrastructure. This includes but is not limited to the full length of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and all mitigation sites (as documented in the Cal Fire approved THP or NTMP) in the plan area.
- 2) **VISUAL MONITORING FREQUENCY** The Discharger is required to monitor all visual monitoring points for existing or potential sources of erosion according to the schedule as defined below. This schedule represents the minimum amount of inspections for the harvest plan area to comply with the waiver. The Discharger is still responsible for conducting inspections above the minimum, as appropriate, taking into account site specific conditions, problem areas, and periods of above average rainfall. The schedule outlined below describes the minimum requirements, the Discharger is responsible for taking all reasonable measures to ensure the site is maintained for the protection of water quality.

**Active Harvest Period plus One Year** – The Discharger is required to monitor a minimum of three times over each 12 months during active harvest and for one full year after the year after harvest is complete. This monitoring period begins with the onset of timber harvest operations and continues during the entire length of time active timber harvest operations occur plus one full year after timber harvest activities are complete.

Monitoring Event One:

The Discharger is required to perform the first monitoring event within 12 to 24 hours of the first storm-event that yields three inches of rain or greater within a 48-hour period.

Monitoring Events Two and Three:

The Discharger is required to perform the next two monitoring events within 12 to 24 hours of the next two storm-events (one monitoring event each storm) that yield three inches of rain or greater within a 72-hour period after the start of the winter period on October 15 or four inches of cumulative rainfall, whichever occurs first.

**Years Two and Three** – In years two and three, following completion of timber harvest operations, visual monitoring shall be implemented at least twice, once during the dry season and once during the wet season.

Dry season monitoring:

During monitoring years two and three the Discharger is required to perform visual monitoring and prepare the site for the winter at least once between April 15<sup>th</sup> and October 14<sup>th</sup>.

Wet season monitoring:

During monitoring years two and three, the Discharger is required to perform visual monitoring at least once between October 15<sup>th</sup> and April 14<sup>th</sup>. Within 72 hours of the first storm that produces three inches of rain within a 72-hour period. If no storm-events of that intensity occur during the wet season, the Discharger shall conduct at least one inspection during the wet season.

**Years Four and Five** – In years four and five, following completion of timber harvest operations, visual monitoring shall be implemented a minimum of one time during the dry season, and additionally as triggered by storm-events in the wet season.

Dry season monitoring:

During monitoring years four and five the Discharger is required to perform visual monitoring and prepare the site for the winter at least once between April 15<sup>th</sup> and October 14<sup>th</sup>.

Wet season monitoring:

During monitoring years four and five, the Discharger is required to perform visual monitoring between October 15<sup>th</sup> and April 14<sup>th</sup> within 72 hours of the first storm that produces four inches of rain or greater within a 72-hour period. If no storm-events at that intensity occur during the wet season, the Discharger is not required to conduct an inspection during the wet season.

**Summary of Visual Monitoring Frequency:**

<b>"Year One":</b>	minimum of three events
<b>Two and Three:</b>	minimum of two events
<b>Years Four and Five:</b>	minimum of one event

**B) PHOTO MONITORING**

The Discharger is required to conduct photo monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger must conduct photo monitoring consistent with the "Standard Operation Procedure 5.2.3 – Photo Documentation Procedure" included in Exhibit 1. If the Water Board's Executive Officer does not establish photo monitoring locations, the

Discharger is not required to conduct photo monitoring except as required by forensic monitoring or violation reporting.

### C) TEMPERATURE MONITORING

The Discharger is required to conduct temperature monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger must conduct temperature monitoring consistent with the "Standard Operating Procedures Continuous Temperature Monitoring". If the Water Board's Executive Officer does not establish temperature monitoring locations, the Discharger is not required to conduct temperature monitoring.

### D) TURBIDITY MONITORING

**TURBIDITY MONITORING POINTS:** The Discharger is required to conduct storm-event based turbidity monitoring at location(s) and frequencies to be established by the Water Board's Executive Officer during or after the pre-harvest inspection. The Discharger is required to conduct forensic monitoring at location(s) and frequencies as described below. All turbidity monitoring must be consistent with the requirements in the document Central Coast Regional Water Quality Control Board, Timber Harvest Program, Standard Operating Procedures for In-stream Turbidity Monitoring (October 2006). If the Water Board's Executive Officer does not establish storm-event based monitoring locations, the Discharger is not required to conduct storm-event based monitoring.

### E) FORENSIC MONITORING SPECIFICATIONS

- 1) When the discharger observes any site conditions described below, the Discharger is required to notify Water Board staff within 72 hours and submit to a written report within ten working days. The Discharger is also required to implement management practices immediately to prevent discharge and impacts to water quality. The written report shall include photo documentation, in-stream turbidity data<sup>2</sup>, and a description of implemented management practices and corrective actions. If the discharger does not implement management practices or corrective action they must explain why. Upon review of the report, the Water Board's Executive Officer will determine completeness of the report and the need for additional actions necessary for the protection of water quality and beneficial uses.
  - a) If at any time during implementation or effectiveness monitoring, the Discharger observes failed management measures and/or source of discharge, the Discharger is required to conduct forensic monitoring to identify the source. Management measure failure is defined as: 1) whenever an implemented management measure creates a condition of pollution, contamination, or condition of nuisance, as defined by California Water Code (CWC) Section 13050, or 2) when lack of implementation of a necessary management measure creates a condition of pollution, contamination, or condition of nuisance, as defined by CWC Section 13050.

---

<sup>2</sup> The Discharger is required to monitor turbidity consistent with the requirements in the document Central Coast Regional Water Quality Control Board, Timber Harvest Program, Standard Operating Procedures for In-stream Turbidity Monitoring (October 2006).

- b) If management measures fail (this includes failure to implement appropriate management measures as determined by CalFire and documented by CalFire as a violation of the Forest Practice Rules).
  - c) If timber activities cause a discharge (sediment, soil, other organic material, etc.) into waters of the State.
  - d) If at any time during implementation or effectiveness monitoring, the Discharger observes a discharge (sediment, soil, other organic material, herbicides, pesticides, fluids from timber equipment (oil, hydraulic fluid, etc), etc.).
  - e) If at any time during implementation or effectiveness monitoring, the Discharger observes a significant change in site conditions (i.e. fire, landslide, etc.).
- 2) **FORENSIC MONITORING AREAS OF CONCERN** The following areas must be addressed during forensic monitoring if water diversion, feral pig activity, or trespass activity are causing or threatening to cause impacts to water quality.
- a) **Water Diversion:** The Discharger is required to monitor the water diversion point(s) for total daily water usage when water is being diverted. The Discharger is required to monitor the creek to ensure no more than 10% of the creek flow is diverted.
  - b) **Feral Pig Activity:** During any inspection, the Discharger is required to document all evidence of feral pig activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the feral pig activity according to forensic monitoring requirements described in 1 – 5 above.
  - c) **Trespass Activity:** During any inspection, the Discharger is required to document all evidence of trespass activity near watercourses that may be contributing discharges to waters of the state. The Discharger must address the trespass activity according to forensic monitoring requirements described in 1 – 5 above.
- 3) **FORENSIC MONITORING FREQUENCY**  
The frequency of Forensic Monitoring is coincident with implementation and effectiveness monitoring, or at any time a failed management measure and/or discharge is reported or observed.

## **SECTION II - DATA LOGGING AND REPORTING**

### **A) LOGBOOKS**

The Discharger is required to maintain logbooks for recording all visual and water analysis data. Logbooks are required to include documentation of maintenance and repair of management practices. These logbooks must be available for inspection to the Water Board staff.

### **B) HEALTH AND SAFETY**

The Discharger is responsible for ensuring that all monitoring is done in a safe manner. If any monitoring point is too dangerous to sample, then the Discharger is required to report this circumstance to the Water Board within 48 hours.

### **C) SEDIMENT RELEASE REPORTING**

The Discharger is required to report to the Water Board within 72 hours whenever at least one cubic yard of soil is released to a waterway due to anthropogenic causes or at least five cubic yards of soil is released to a waterway due to natural causes, or when turbidity is noticeably greater downstream compared to upstream (of a crossing or the Plan area). The Discharger is required to submit a written report to the Water Board within 10 days of detection. The Discharger is required to investigate source areas of sediment. If sources are found, the Discharger will locate and document the source and size of the release. If sources related to timber harvest activities are found, the Discharger is required to immediately correct the source if possible, or schedule corrective action at an appropriate time given the site conditions.

#### **D) VIOLATION REPORTING**

The Discharger is required to report any violation of the Forest Practice Rules, to the Water Board within 72 hours. The Discharger is required to provide the report in writing to the Water Board within 10 working days of the violation. The written report must include photo documentation and water quality data (if discharge enters waters of the state) before and after remedial action. Upon review of the report, the Water Board's Executive Officer will determine completeness of the report and the need for additional actions necessary for the protection of water quality and beneficial uses. The Discharger is required to complete any additional monitoring the Water Board's Executive Officer determines is necessary.

#### **E) ANNUAL REPORTING**

By November 15 of each year, the Discharger is required to submit an Annual Report to the Water Board. The reporting period is from October 1 of the previous year to September 30 of the current year. Annual report templates are available upon request or may be downloaded from the Central Coast Water Board's website.

#### **ANNUAL REPORTING REQUIREMENTS**

##### **1) General**

- The name and address of the person submitting the report, as well as the day, month, and year in which the report is being submitted, at the top of the first page.
- The subject line of the annual report must state the THP or NTMP number, three-letter county code, plan name as it appears in the approved THP or NTMP, NTO number, and specific units within the THP or NTMP that have been enrolled under the General Waiver.
- Time period during which the data was collected.
- List Tier level and summarize the monitoring requirements.
- Status of active timber harvest operations including:
  - Day, month, and year the harvest opened and closed for the season.
  - Previous year activities (types of activities, locations, percent harvested, area of harvest, and extent of overall plan completion)
  - Planned activities including estimated month and year harvests activities must resume.
  - Estimated month and year harvesting will be completed.
  - Wet weather problems observed.
  - Any other critical information.
- A summary of all violations. If there were no violations, please state it as such.
- Detailed documentation of rainfall measurement procedures and locations or a reference to the page number in the THP or NTMP where this is described. Describe the type of

rain gauge(s) used. If applicable include the link to the Web site where data for the rain gauge may be viewed.

- Recommendations for improving the monitoring and reporting program.

## **2) Visual Monitoring**

- A summary of all visual monitoring activities performed during the previous year.
  - Summary must include dates and times visual monitoring occurred and any corrective actions taken during inspections.
  - Attach inspection forms or copies of logbook pages detailing inspections.

## **3) Photo-monitoring (if required)**

- Submittal of all data and photos in electronic format:
  - Photo files must be named using the following format with information separated by underscores:

MonitoringReportYear\_PlanNumberandCountyCode\_Location\_DateofPhoto

## **4) Turbidity Monitoring (if required)**

- A detailed map with the following specifications:
  - In color (if possible).
  - Title stating: "Water Quality Monitoring Locations for THP OR NTMP No. XXXX"
  - All monitoring locations and routes clearly marked with unique site identification tags.
  - A Key or Legend identifying all monitoring locations and routes.
  - North Arrow.
  - Scale
- A summary of the water quality monitoring performed during the previous year. Any monitoring described in the summary must also include an electronic submittal of the data in a format compatible with Microsoft Excel.
- Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages).
- Make and model of turbidimeter being used.
  - Copy of the manufacture's protocol / recommendation for proper use of the turbidimeter.
- A summary of all turbidity monitoring activities performed during the previous year.
- Completed Field Data Sheet with data from all monitoring events. (if more than four events, there is no need to complete top section on additional pages).

## **5) Continuous Temperature Monitoring (if required)**

- All data submitted in an electronic format compatible with Microsoft Excel.
- Make and model of the data loggers being used at each monitoring location.
  - Copy of the manufacture's protocol / recommendation for proper use of the loggers.
- Calibration check form for each data logger.
- Description of any modifications or adjustments made based on the calibration checks and field observations.



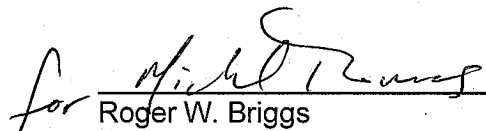
**SECTION III - STANDARD PROVISIONS****A. The Water Board shall be allowed:**

- 1) Entry upon premises where timber harvest activities occur;
- 2) Access to copy any records that must be kept under the conditions of these requirements;
- 3) To inspect any timber harvest activity, equipment (including monitoring and control equipment), practices, or operations regulated or required under these requirements; and,
- 4) To photograph, sample, and monitor for the purpose of showing timber harvest requirements compliance.

**B. The Discharger is required to maintain records of all monitoring information and results. Records must be maintained for a minimum of three years after the MRP is rescinded. This period may be extended during the course of any unresolved litigation or when requested by the Water Board.****C. Any person signing a report makes the following certification whether written or implied:**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The Water Board's Executive Officer may modify or rescind this Monitoring and Reporting Program at any time, or may modify or rescind the monitoring and reporting program as to a specific Discharger. Any such modification or rescission must comply with California Water Code section 13269 or 13267.

for   
Roger W. Briggs  
Executive Officer

9-15-2010  
Date

S:\NPS\Timber\_Harvest\Board Meetings\2010\R3-2010-0041\Final MRP No. R3-2010-0041.doc